

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

)
COALITION TO PROTEST THE)
DEMOCRATIC NATIONAL)
CONVENTION, et al.,)
)
Plaintiffs,)
)
v.) CIVIL ACTION
) NO. 04-11608
THE CITY OF BOSTON, et al.,)
)
)
Defendants.)
)

**AFFIDAVIT OF EDWARD P. LEIBENSPERGER IN SUPPORT OF
PLAINTIFFS' APPLICATION FOR ATTORNEYS' FEES AND COSTS**

I, Edward P. Leibensperger, hereby depose and say:

1. I am a partner in the law firm of McDermott Will & Emery LLP. I concentrate my practice in the litigation and trial of general commercial, securities, corporate governance, and professional liability cases.

2. I graduated from Ohio State University College of Law in 1974 and have been a member in good standing of the bar of the Supreme Judicial Court since 1974. I am also a member of the bars of the United States Supreme Court, the U.S. Courts of Appeal for the First and Second Circuits, and the United States District Court for the District of Massachusetts.

3. I have been a Fellow of the American College of Trial Lawyers since 1995, and have been listed in the Best Lawyers in America for several years. I am currently the President-elect of the Boston Bar Association.

4. Based upon my experience and professional activities, I believe I am generally knowledgeable about the range of the prevailing hourly rates charged by attorneys in private practice in Boston, particularly attorneys affiliated with law firms.

5. It is my understanding that plaintiffs' counsel, including lawyers from Bingham McCutchen and John Reinstein of the American Civil Liberties Union ("ACLU") of Massachusetts, are seeking an award of attorney's fees for representing the prevailing parties in this case.

6. I have reviewed the moving preliminary injunction papers and the transcript of the Court's ruling from the bench in this case and am generally familiar with the substance and complexity of the issues involved.

7. Mr. Reinstein is an experienced and prominent civil liberties and civil rights lawyer with more than 30 years of experience, and is the Legal Director of the ACLU of Massachusetts. It is my understanding that Mr. Reinstein proposes to use an hourly rate of \$400 for the time he spent on this case. I believe that Mr. Reinstein's proposed hourly rate is similar to or below the prevailing hourly rate charged by private firms in Boston for attorneys with Mr. Reinstein's expertise, experience and seniority. The hourly rate sought by Mr. Reinstein does not factor in any premium or adjustment for his reputation or special expertise in the area of civil rights and civil liberties.

8. It is also my understanding that Bingham McCutchen has proposed to use hourly rates of \$210 for a law student summer associate and \$360 for a fifth year associate. Based upon my knowledge of the marketplace, these rates are comparable to the billing rates routinely charged by private law firms in Boston for lawyers of comparable levels of experience working on sophisticated litigation in this Court.

Signed under the pains and penalties of perjury this 1st day of June 2005.

/s/ Edward P. Leibensperger
Edward P. Leibensperger